

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

GREEN MOUNTAIN FINANCIAL FUND,)
LLC,)

Plaintiff,)

v.)

No. 1:09-cv-1216-SEB-TAB

LORI RAPPAPORT LACROIX, et al.,)

Defendants/Third Party Plaintiffs,)

v.)

MARGUERITE DOWNS RAPPAPORT,)
et al.,)

Third Party Defendants.)

Entry Directing Further Proceedings

The third party plaintiffs--Lori Rappaport LaCroix, Lori Rappaport LaCroix as trustee of the trust created under the last will and testament of Alfred Rappaport, Sylvia Rappaport, Courtney LaCroix, and Hunter LaCroix--shall have **through January 12, 2010**, in which to do the following:

1. Show whether, when and how service of process was effected on each of the third party defendants and, as to each such third party defendant not yet properly served with the third party complaint, why the action should not be dismissed pursuant to Rule 4(m) of the *Federal Rules of Civil Procedure*.

2. Noting that Seventh Circuit precedent is clear that when a notice of removal is not supported in writing by all defendants, remand is required, *Gossmeier v. McDonald*, 128 F.3d 481, 489 (7th Cir. 1997), **show cause** why the action should not be remanded as improperly removed because defendant Marguerite Downs Rappaport did not join in the removal and because the action could not be removed based solely on the third party complaint.

IT IS SO ORDERED.

Date: 12/10/2009



SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana

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